

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

CHRISTOPHER ADAM PHANPRADITH,

Plaintiff,

vs.

ERIN LOREDO, et al.

Defendants.

CIV. NO. 21-00293 LEK-RT

**ORDER GRANTING PLAINTIFF'S MOTION TO WITHDRAW AND
DENYING AS MOOT DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

On May 10, 2023, Defendant Erin Loreda ("Loreda") filed her Motion for Summary Judgment. [Dkt. no. 31.] Instead of filing a memorandum in opposition, pro se Plaintiff Christopher Adam Phanpradith ("Phanpradith") filed his Motion to Withdraw on August 16, 2023. [Dkt. no. 41.]

Phanpradith's Motion to Withdraw requests "to withdraw this lawsuit in hope to resubmit at a later date." [Motion to Withdraw at PageID.225.] Because Phanpradith is proceeding pro se, the Court liberally construes his filings. See Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam). This Court therefore liberally construes the Motion to Withdraw as a motion to dismiss this case without prejudice.

On August 28, 2023, this Court filed an entering order informing the parties that it was inclined to grant Phanpradith's Motion to Withdraw, and directing Loreda to file a

response to the Motion to Withdraw ("8/28 EO"). [Dkt. no. 43.]
Loredo has not filed a response to the Motion to Withdraw.

For the reasons stated in this Court's 8/28 EO, and because Loredo has not opposed the Motion to Withdraw, this Court GRANTS Phanpradith's Motion to Withdraw. Phanpradith's First Amended Complaint, [filed 10/12/21 (dkt. no. 7),] is DISMISSED. The dismissal is without leave to amend in the instant case, but the dismissal is without prejudice to the filing of a new action. This Court makes no findings or conclusions regarding the merits of such new action, if Phanpradith chooses to file one. In light of the dismissal, Loredo's Motion for Summary Judgment is DENIED AS MOOT.

The Clerk's Office is DIRECTED to enter judgment and close the case on October 6, 2023, unless Loredo files a timely motion for reconsideration of this Order.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, September 21, 2023.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

CHRISTOPHER ADAM PHANPRADITH VS. ERIN LOREDO, ET AL; CV 21-00293
LEK-RT; ORDER GRANTING PLAINTIFF'S MOTION TO WITHDRAW AND
DENYING AS MOOT DEFENDANT'S MOTION FOR SUMMARY JUDGMENT